

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING EXPRESSIONS OF SYMPATHY OR BENEVOLENCE TO
5 AN INJURED PERSON OR AN INJURED PERSON'S FAMILY INADMISSIBLE AS EVIDENCE OF AN
6 ADMISSION OF LIABILITY IN A CIVIL ACTION."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 **NEW SECTION. Section 1. Statement of benevolence or sympathy -- not admissible as evidence**
11 **of admission of liability.** (1) A communication that expresses sympathy or a general sense of benevolence
12 relating to the pain, suffering, or death of a person involved in an accident and that is made to the injured person
13 or to the injured person's family is not admissible as evidence of an admission of liability in a civil action.

14 (2) As used in this section, the following definitions apply:

15 (a) "Accident" means an occurrence resulting in injury or death to one or more persons that is not the
16 result of willful action by a party.

17 (b) "Benevolence" means a communication that conveys a sense of compassion or commiseration
18 emanating from humane impulses.

19 (c) "Communication" means a statement, writing, or gesture.

20 (d) "Family" means the spouse, parent, spouse's parent, grandparent, stepmother, stepfather, child,
21 grandchild, sibling, half sibling, or adopted children of a parent of an injured party.

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23 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
24 integral part of Title 26, chapter 1, part 6, and the provisions of Title 26, chapter 1, part 6, apply to [section 1].

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